

Amendment
U.S. Patent Application Serial No. 09/489,143

REMARKS

Claims 25 - 27 have been canceled without prejudice or disclaimer of the subject matter thereof. Applicants reserve the right to pursue the subject matter of the canceled claims in subsequently filed continuing applications.

Claims 1 - 24 have been amended.

Claims 1 - 24 are present in the subject application.

In the Office Action of October 24, 2006, the Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §102(b) and has further rejected claims 1 - 27 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,768,521 (Dedrick). The Examiner has further rejected claims 3 - 6, 11 - 14, 19 - 22 and 25 - 27 under 35 U.S.C. §103(a) as being unpatentable over the Dedrick patent. This rejection is moot with respect to canceled claims 25 - 27.

Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities. Each content entity is contained in a separate file object. A list or outline containing container and non-container identifiers defines the content, order and structure of the content object. This list or outline is stored as a separate file object. In addition, the present invention calculates the content object cost by estimating the amount of content it contains and determining a content cost based upon the content estimate.

Amendment
U.S. Patent Application Serial No. 09/489,143

Optionally, a cost is assigned to each content entity in the data repository and these actual costs are summed as part of the cost estimation procedure.

In order to assist in an understanding of the present invention, the present invention features may be illustrated by the following example with respect to generation of a content object in the form of a book. The book structure may include volumes each with one or more chapters, where each chapter, in turn, may include one or more sections. The content of the chapter sections resides in the data repository as individually accessible files each containing a section (or content entity). A user interface enables a user to manipulate, select and alter the book content. In other words, a user may construct and arrange the book (e.g., into volumes, chapters, sections, etc.) with content (e.g., text, images, etc.) selected from the data repository. In addition, the book's cost is calculated by estimating the amount of content it contains and determining a content cost based upon the content estimate. Optionally, a cost is assigned to each content entity in the data repository and these actual costs are summed as part of the cost estimation procedure.

The Examiner takes the position that the Dedrick patent discloses or renders obvious the features within these claims.

These rejections are respectfully traversed. However, in order to expedite prosecution of the subject application, independent claims 1, 9 and 17 have been amended to further clarify the invention and recite the features of: defining the content object in accordance with user selection and arrangement of a plurality of content entities for the content object, wherein the content object is one of a book, a collection of images, an album, a video and a multimedia object, and

Amendment
U.S. Patent Application Serial No. 09/489,143

the content entities each include content and are stored within a data repository as a plurality of individually accessible file objects; generating a content count for the selected content entities representing a quantity of content within the content object; and generating from the content count a price for the user to produce the user-defined content object with the selected content entities. Dependent claims 2 - 8, 10 - 16 and 18 - 24 have been amended for consistency with their amended parent claims.

The Dedrick patent does not disclose, teach or suggest these features. Rather, the Dedrick patent discloses a computer network system that contains a metering mechanism which can meter the flow of electronic information to a client computer within a network (e.g., See Abstract; Column 1, lines 62 - 65; and Column 2, lines 43 - 64). The information can be generated by a publisher and electronically distributed. The publisher/advertiser is provided with tools to create electronic information transmitted over the system (e.g., See Abstract; Column 1, lines 65 - 66; and Column 4, lines 26 - 51). The client computers each contain a graphical user interface to request consumption of the information (e.g., See Abstract; Column 2, lines 2 - 4; and Column 3, lines 13 - 30). The metering mechanisms control the transfer of information to the client computers (e.g., See Abstract; Column 2, lines 4 - 6; and Column 3, lines 46 - 59). Each unit of information has an associated cost type and cost value that are used to calculate a price for the information (e.g., See Abstract; Column 2, lines 7 - 10; and Column 3, lines 60 - 63).

Thus, the Dedrick patent discloses a publisher creating information for access by an end-user and the price being calculated for the end-user to access or download that information.

Amendment
U.S. Patent Application Serial No. 09/489,143

Since the information is pre-determined or pre-arranged by the publisher, there is no disclosure, teaching or suggestion of defining or creating a content object (e.g., book, album, video, multimedia object, etc.) by user selection and arrangement of content entities for the content object and calculating a price to produce the user-defined content object based on the content selected by the user as recited in the independent claims. In other words, the Dedrick patent determines a price to download pre-established information, whereas the claims recite a user selecting content for a content object (e.g., book, album, video, multimedia object, etc.) and determining a price for the selected content to produce the user-defined content object.

Since the Dedrick patent does not disclose, teach or suggest the features recited in independent claims 1, 9 and 17 as discussed above, these claims are considered to overcome the Dedrick patent.

Claims 2 - 6, 10 - 14 and 18 - 22 depend, either directly or indirectly, from independent claims 1, 9 or 17 and include all the limitations of their parent claims. These dependent claims are considered to overcome the Dedrick patent for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

The Examiner has rejected claims 7 - 8, 15 - 16 and 23 - 24 under 35 U.S.C. §103(a) as being unpatentable over the Dedrick patent in view of U.S. Patent No. 6,199,054 (Khan et al.).

Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities and calculating the content object cost as described above.

Amendment
U.S. Patent Application Serial No. 09/489,143

The Examiner takes the position that the Dedrick patent discloses the claimed subject matter, except for one of the content entities comprising user provided content. The Examiner further alleges that the Khan et al. patent teaches this feature and that it would have been obvious to combine the Dedrick and Khan et al. patents to attain the claimed invention.

This rejection is respectfully traversed. Initially, claims 7 - 8, 15 - 16 and 23 - 24 depend, either directly or indirectly, from independent claims 1, 9 or 17 and, therefore include all the limitations of their parent claims. As discussed above, the Dedrick patent does not disclose, teach or suggest the features of defining or creating a content object (e.g., book, album, video, multimedia object, etc.) by user selection and arrangement of content entities for the content object and calculating a price to produce the user-defined content object based on the content selected by the user as recited in the claims.

The Khan et al. patent does not compensate for the deficiencies of the Dedrick patent. Rather, the Khan et al. patent discloses a system that monitors a data payload being transmitted in a secure form over the Internet and provides rate computations for delivery of the payload (similar to postage) and various services (e.g., encryption) (e.g., See Abstract; Column 2, lines 20 - 22). This patent is utilized by the Examiner for an alleged teaching of user provided content subject to price metering. However, the price metering relates to delivery of the payload, as opposed to production of a user-defined content object (e.g., book, album, video, multimedia object, etc.) based on user selected content.

Amendment
U.S. Patent Application Serial No. 09/489,143

Since the Dedrick and Khan et al. patents do not disclose, teach or suggest, either alone or in combination, the features recited in claims 7 - 8, 15 - 16 and 23 - 24, these claims are considered to overcome the rejection.

The Examiner has rejected claims 1 - 2, 9 - 10 and 17 - 18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,905,973 (Yonezawa et al.).

Briefly, the present invention is directed toward a system, method and data storage device for creating a content object from a group of content entities and calculating the content object cost as described above.

The Examiner takes the position that the Yonezawa et al. patent discloses the claimed subject matter, except that the patent does not specifically disclose the price being determined from a content count. The Examiner further alleges that the Yonezawa et al. patent teaches a total payment amount for all items, thereby rendering obvious the claimed price determination feature.

This rejection is respectfully traversed. As discussed above, independent claims 1, 9 and 17 have been amended to further clarify the invention and recite the features of: defining the content object in accordance with user selection and arrangement of a plurality of content entities for the content object, wherein the content object is one of a book, a collection of images, an album, a video and a multimedia object, and the content entities each include content and are stored within a data repository as a plurality of individually accessible file objects; generating a content count for the selected content entities representing a quantity of content within the

Amendment**U.S. Patent Application Serial No. 09/489,143**

content object; and generating from the content count a price for the user to produce the user-defined content object with the selected content entities.

The Yonezawa et al. patent does not disclose, teach or suggest these features. Rather, the Yonezawa et al. patent discloses an on-line shopping system having a shopping basket function capable of conducting an order process in onetime by storing items to be purchased in a purchase list. An interface for the shopping basket function is provided as a shopping basket window separate from the catalog window for displaying item data of the online shopping (e.g., See Abstract).

Thus, the Yonezawa et al. patent discloses a shopping basket function to purchase items on-line within a catalog. There is no disclosure, teaching or suggestion of a user-defined content object (e.g., book, album, video, multimedia object, etc.) or, for that matter, defining or creating a content object (e.g., book, album, video, multimedia object, etc.) by user selection and arrangement of content entities for the content object and calculating a price to produce the user-defined content object based on the content selected by the user as recited in the independent claims.

Since the Yonezawa et al. patent does not disclose, teach or suggest the features recited in independent claims 1, 9 and 17 as discussed above, these claims are considered to overcome the Yonezawa et al. patent.

Claims 2, 10 and 18 depend, either directly or indirectly, from independent claims 1, 9 or 17 and include all the limitations of their parent claims. These dependent claims are considered

Amendment**U.S. Patent Application Serial No. 09/489,143**

to overcome the Yonezawa et al. patent for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in the dependent claims.

The Examiner has rejected claims 3 - 6, 11 - 14, 19 - 22 and 25 - 27 under 35 U.S.C. §103(a) as being unpatentable over the Yonezawa et al. patent in view of the Dedrick patent, claims 7, 15 and 23 under 35 U.S.C. §103(a) as being unpatentable over the Yonezawa et al. patent in view of the Khan et al. patent, and claims 8, 16 and 24 under 35 U.S.C. §103(a) as being unpatentable over the Yonezawa et al. patent in view of the Khan et al. and Dedrick patents. These rejections are moot with respect to canceled claims 25 - 27.

These rejections are respectfully traversed. Initially, claims 3 - 8, 11 - 16 and 19 - 24 depend, either directly or indirectly, from independent claims 1, 9 or 17 and, therefore include all the limitations of their parent claims. As discussed above, the Yonezawa et al. patent does not disclose, teach or suggest the features of defining or creating a content object (e.g., book, album, video, multimedia object, etc.) by user selection and arrangement of content entities for the content object and calculating a price to produce the user-defined content object based on the content selected by the user as recited in the claims. In addition, the Khan et al. and Dedrick patents similarly do not disclose, teach or suggest these features as discussed above.

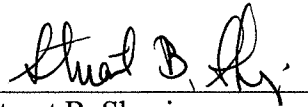
Since the Yonezawa et al., Khan et al. and Dedrick patents do not disclose, teach or suggest, either alone or in combination, the features recited in claims 3 - 8, 11 - 16 and 19 - 24 as discussed above, these claims are considered to overcome the rejection.

Amendment

U.S. Patent Application Serial No. 09/489,143

The application, having been shown to overcome issues raised in the Office Action, is considered to be in condition for allowance and Notice of Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stuart B. Shapiro", is written over a horizontal line.

Stuart B. Shapiro
Reg. No. 40,169

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Blvd., Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640

Delivered on: 1/5/07